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REMARKS

This response is intended as a full and complete response to the Final Office Action dated December 18, 2002. In view of the following discussion, the Applicant believes that all claims are in allowable form.

AMENDMENT TO THE SPECIFICATION

The specification has been amended to correct a typographical error as shown in mark-up detailed in Appendix I.

CLAIM REJECTIONS

A. 35 U.S.C. §112 Claims 12-20

Claims 12-20 stand rejected as being confusing as to whether the building is claimed in combination with the anchor. The Applicant respectfully submits that the building, introduced in the preamble of the independent claims, is not a limitation but rather utilized to provide a reference point for describing limitations of the anchor. Thus, the Applicant respectfully requests the rejection be withdrawn.

B. 35 U.S.C. §102 Claims 1-3 and 5-11

Claims 1-3 and 5-11 stand rejected as being anticipated by United States Patent No. 4,245,545, issued January 20, 1981, to Freeman, et al., (hereinafter referred to as "Freeman"). In response, the Applicant has amended independent claim 1 to more clearly recite aspects of the invention.

Claim 1, as amended, recites limitations not taught, shown or suggested by Freeman. Freeman teaches a plastic rod 13 having barb-like grooves 31 for retaining a press-on nut 33. The end 37 of the plastic rod may be broken-off after installation. In one embodiment, the plastic rod has a hole-punching plastic head 55 and a toggle-bolt-type two-arm expandable anchoring member 56.

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However, Freeman does not teach, show or suggest a center shaft having a tensile strength of at least about 5000 pounds, the shaft having an attachment end for coupling a fall restraint thereto and a piercing end adapted to pierce through the building structure, a collar axially repositionable in both directions along an axis of the shaft, or a first and second members pivotally coupled to the center shaft that are fixed in angular orientation about a centerline of the center shaft.

In contrast, Freeman teaches that the plastic shaft may be broken-off after installation. As such, the device of Freeman doesn't not teach a shaft having a tensile strength of at least about 5000 pounds, or that the device has an attachment end for coupling a fall restraint thereto as recited by claim 1.

Moreover, Freeman teaches that the hole-punching plastic head is suitable for piercing fiber-board or other soft-material panel, and that a hard-material panel is to be pre-bored. As such, particularly in light of the plastic head's attachment to the plastic rod, the head of Freeman is not adapted to pierce through a building structure as recited by claim 1.

Further, Freeman teaches that the nut is pushed over barb-like grooves in the rod to secure the fiber-board and pre-bored hard material panel. As such, the collar is not axially repositionable in both directions along an axis of the shaft as recited by claim 1.

Thus, the Applicant submits that claim 1, and claims 2-3 and 5-11 that depend therefrom, are patentable over Freeman. Accordingly, the Applicant respectfully requests the rejection be withdrawn.

B. 35 U.S.C. §102 Claims 12-17

Claims 12-17 stand rejected as being anticipated by Freeman. In response, the Applicant has amended independent claim 12 to more clearly recite aspects of the invention.

Claim 12, as amended, recites limitations not taught, shown or suggested by Freeman. Freeman, discussed above, does not teach, show or suggest a center shaft having a tensile strength of at least about 5000

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pounds, the shaft having an attachment end for coupling a fall restraint thereto and a piercing end adapted to pierce through the building structure, and a locking mechanism coupled to a collar slidably disposed on the shaft, where the locking mechanism has a first end biasable against the shaft. In addition to the differences discussed above, the locking mechanism taught by Freeman are barb-like grooves formed or mold to the rod. As such, the locking mechanism is not coupled to the shaft nor does the locking mechanism have a first end biasable against the shaft as recited by claim 1.

Thus, the Applicant submits that claim 12, and claims 13-17 that depend therefrom, are patentable over Freeman. Accordingly, the Applicant respectfully requests the rejection be withdrawn.

C. 35 U.S.C. §102 Claims 1 and 21

Claims 1 and 21 stand rejected as being anticipated United States Patent No. 2,911,859, issued November 10, 1959, to Longley, et al. (hereinafter referred to as "Longley"). In response, the Applicant has amended claims 1 and 21 to more clearly recite aspects of the invention.

Claim 1, as amended, recites limitations not taught, shown or suggested by Longley. Longley teaches a fastening bolt 26 having ends 86 and 94. Wings 91, 92 are pivotably coupled to a nut 89 that is threaded on the shaft 26. A stopper 95 is slidably disposed on the shaft and is sandwiched between a pipe and a head 84 of the bolt 26 when the wings 91, 92 are tightened against the interior of the pipe.

However, Longley does not teach, show or suggest a center shaft having a tensile strength of at least about 5000 pounds. The head of the shaft is multi-sided to facilitate rotating, and does not teach an end for coupling a fall restraint thereto. The end of the shaft is taught as being disposed in a hole pre-drilled in a pipe, and therefore is not taught as adapted to pierce through the building structure. The wings are coupled to a nut that rotates on the bolt, and as such, are not fixed in angular orientation about a centerline of the center shaft as recited by claim 1.

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Moreover, claim 21, as amended, depends on claim 1 and further recites a fall restrain coupled thereto. Longley does not teach, show or suggest a fall restrain coupled to the attachment end of the shaft as recited by claim 21. Thus, the Applicant submits that claim 1, and claim 21 that depends therefrom, are patentable over Longley. Accordingly, the Applicant respectfully requests the rejection be withdrawn.

D. 35 U.S.C. §102 Claims 12 and 18

Claims 12 and 18 stand rejected as being anticipated Longley. In response, the Applicant has amended independent claim 12 to more clearly recite aspects of the invention.

Claim 12, as amended, recites limitations not taught, shown or suggested by Longley. Longley, discussed above, does not teach, show or suggest a center shaft having a tensile strength of at least about 5000 pounds, the shaft having an attachment end for coupling a fall restraint thereto and a piercing end adapted to pierce through the building structure, and a locking mechanism coupled to a collar slidably disposed on the shaft, where the locking mechanism has a first end biasable against the shaft.

Moreover, claim 18, as amended, depends on claim 12 and further recites a ring spaced from the shaft and defined a hole for coupling the fall restraint. Longley does not teach, show or suggest a ring defining a hole spaced from the shaft for coupling the fall restraint as recited by claim 21. Thus, the Applicant submits that claim 1, and claim 21 that depends therefrom, are patentable over Longley. Accordingly, the Applicant respectfully requests the rejection be withdrawn.

E. 35 U.S.C. §102 Claims 19 and 20

Claims 19 and 20 stand rejected as being anticipated by United States Patent No. 1,169,635, issued January 25, 1916, to Grimes, (hereinafter referred to as "Grimes"). In response, the Applicant has amended claim 19 to more clearly recite aspects of the invention.

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Claim 19, as amended, recites limitations not taught, shown or suggested by Grimes. Grimes teaches a device for hanging pipe in a building. The pipe hanger of Grimes includes a sleeve 10 having pair of claws 19 disposed in a closed upper end 12. A plunger screw 21 is threaded in a bore of the sleeve and urges the claws against the closed end of the sleeve, causing the claws to rotate outward and engage the material of the socket 17 formed to receive the sleeve in a joist or beam 26 of the building. A stirrup 25 or other suitable device is coupled to the plunger to support the pipe.

However, Grimes does not teach, show or suggest a center shaft having a tensile strength of at least about 5000 pounds and a first end for piercing through a building structure as recited by claim 19. Nor does Grimes teach, show or suggest a locking mechanism coupled to a collar slidably disposed on the shaft, where the locking mechanism has a first end biasable against the shaft for fixing the collar in an axial position relative to the shaft as recited by claim 19.

Moreover, claim 20, as amended, depends on claim 19 and further recites that a first member and a second member each include an end that meet to form a point that extends beyond the first end of the shaft when the first member and the second member are in a first position proximate the shaft. Grimes does not teach, show or suggest such limitations. Thus, the Applicant submits that claim 19, and claim 20 that depends therefrom, are patentable over Grimes. Accordingly, the Applicant respectfully requests the rejection be withdrawn.

NEW CLAIMS

New claims 22-24 have been added to more clearly recite aspects of the invention. The Applicant believes that no new matter has been added, and accordingly, request allowance of claims 22-24.

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CONCLUSION

Thus, the Applicant submits that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Mr. Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

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Allyson M. DeVesty
Printed Name of Person Signing

2-6-03
Date of signature

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APPENDIX I
MARK-UP OF THE SPECIFICATION

Mark-up of paragraph 0017:

The safety anchor 100 generally includes a center shaft 104 having a first member 106 and a second member 108 pivotally coupled thereto. The first and the second [member 108s] members 108 generally are driven through the roof 102 in a "folded" position adjacent the center shaft 104. Upon clearing the roof 102, the first and the second members 106, 108 rotate to an "open" position that is typically substantially perpendicular to the center shaft 104 as shown in Fig. 1. In the open position, the members 106, 108 impinge against the interior side of the roof 102 and prevent the anchor 100 from being pulled back out from the roof 102.

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APPENDIX II
MARK-UP OF AMENDED CLAIMS

1. (Twice Amended) An anchor for providing an attachment point on a building structure, comprising:

a center shaft having a tensile strength of at least about 5000 pounds,
the shaft having an attachment end for coupling a fall restraint thereto and a
piercing end adapted to pierce through the building structure;

a collar axially repositionable in both directions along an axis of the shaft;

a first member pivotally coupled to the center shaft; and

a second member pivotally coupled to the center shaft, wherein the first member and the second member are rotatable between a first position proximate the shaft and a second position away from [to] the shaft, and are fixed in angular orientation about a centerline of the center shaft.

5. (Amended) The anchor of claim 1, wherein the attachment end comprises a ring defining a hole that provides an attachment point for the fall restraint.

6. (Amended) The anchor of claim 5, wherein the ring further comprises:
a boss coupled to an exterior portion of the ring and removably threaded over the shaft portion. [the attachment end is removable from the center shaft.]

7. (Amended) The anchor of claim 1, wherein the collar further [comprising a collar slidably disposed on the shaft.] comprises:

a body; and

a flange extending outward from the body.

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8. (Amended) The anchor of claim 7, wherein the collar further comprises a means for fixing the collar along the shaft, the means coupled to the collar and having an end adapted to urge against the shaft.

12. (Twice Amended) An anchor for providing an attachment point on a building structure, comprising:

a center shaft having a tensile strength of at least about 5000 pounds, the shaft having an attachment end for coupling a fall restraint thereto and a piercing end terminating in a point or knife edge, the piercing end adapted to pierce through the building structure;

a first member pivotally coupled to the center shaft;

a second member pivotally coupled to the center shaft; [and]

a collar slidably disposed on the center shaft [and movable to a position that clamps the building structure between collar and members.] ; and

a locking mechanism coupled to the collar and having a first end movable relative to the collar and biasable against the shaft to fix the position of the collar relative to the shaft.

13. (Amended) The anchor of claim 12, wherein the collar [slidably] further comprises:

a body having a hole formed therethrough and having the locking mechanism disposed therein. [a means for fixing the collar in an axial position relative to the shaft.]

14. (Amended) The anchor of claim 13, wherein the locking mechanism [means for fixing] further comprises a threaded member, a clamp or a pin.

15. (Amended) The anchor of claim 12, wherein the [first member and the second member are rotatable between a first position proximate the shaft and a second position orthogonal to the shaft.] piercing end terminates in a point or knife edge.

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16. (Amended) The anchor of claim [15] 12, wherein the first member and second member each include an end that meet to form a point that extends beyond the piercing end of the shaft when the first member and the second member are in the first position.

18. (Amended) The anchor of claim 12, wherein the attachment end comprises a ring defining a hole spaced from the shaft for coupling the fall restraint.

19. (Twice Amended) An anchor for providing an attachment point on a building structure, comprising:

a center shaft a tensile strength of at least about 5000 pounds, the shaft having a first end for piercing through the building structure and a second end;

a ring disposed on the first end and defining a hole spaced from the shaft for coupling a fall restraint thereto;

a first member pivotally coupled to the center shaft;

a second member pivotally coupled to the center shaft, the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft;

a collar slidably disposed on the center shaft, the collar and the first and second members sandwiching the building therebetween when the first and second members are in the second position and the collar is slid away from the ring; and

a locking mechanism [a means] coupled to the collar and having a first end biasable, the first end movable relative to the collar and biasable against the shaft for fixing the collar in an axial position relative to the shaft.

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21. (Amended) The anchor of claim 1, wherein the attachment end is [adapted to provide an attachment point for a tether line, safety line or hauling line] coupled to the fall restraint.
22. (New) The anchor of claim 1 further comprising:
a shaft member disposed through the center shaft, the first member and the second member.
23. (New) The anchor of claim 12, wherein the attachment end is coupled to the fall restraint.
24. (New) An anchor for providing an attachment point on a building structure, comprising:
a center shaft a tensile strength of at least about 5000 pounds, the shaft having a first end having a point or knife edge adapted for piercing through the building structure and a second end;
a ring disposed on the first end and defining a hole spaced from the shaft for coupling a fall restraint thereto;
a first member pivotally coupled to the center shaft;
a second member nesting with the first member and coupled to the center shaft at a common axis of rotation with the first member, the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft;
a pivot member disposed through the shaft and coupling the first and second members;
a collar slidably repositionable along the center shaft, the collar having a body and a flange extending radially outward from an end of the body facing the first end of the shaft; and
a locking mechanism coupled to the body of the collar and having a first end movable relative to the collar and biasable against the shaft for fixing the collar in an axial position relative to the shaft.

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APPENDIX III
PENDING CLAIMS

1. (Twice Amended) An anchor for providing an attachment point on a building structure, comprising:
 - a center shaft having a tensile strength of at least about 5000 pounds, the shaft having an attachment end for coupling a fall restraint thereto and a piercing end adapted to pierce through the building structure;
 - a collar axially repositionable in both directions along an axis of the shaft;
 - a first member pivotally coupled to the center shaft; and
 - a second member pivotally coupled to the center shaft, wherein the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft, and are fixed in angular orientation about a centerline of the center shaft.
2. The anchor of claim 1, wherein the piercing end terminates in a point or knife edge.
3. The anchor of claim 1, wherein the piercing end is removable from the center shaft.
5. (Amended) The anchor of claim 1, wherein the attachment end comprises a ring defining a hole that provides an attachment point for the fall restraint.
6. (Amended) The anchor of claim 5, wherein the ring further comprises:
 - a boss coupled to an exterior portion of the ring and removably threaded over the shaft portion.

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7. (Amended) The anchor of claim 1, wherein the collar further comprises:
- a body; and
 - a flange extending outward from the body.
8. (Amended) The anchor of claim 7, wherein the collar further comprises a means for fixing the collar along the shaft, the means coupled to the collar and having an end adapted to urge against the shaft.
9. The anchor of claim 8, wherein the means for fixing is selected from a group consisting of a threaded member, a clamp and a pin.
10. The anchor of claim 1, wherein the first member and second member each include an end that meet to form a point that extends beyond the piercing end of the shaft when the first member and the second member are in the first position.
11. The anchor of claim 1 further comprising a spring that biases at least one of the members away from the shaft.
12. (Twice Amended) An anchor for providing an attachment point on a building structure, comprising:
- a center shaft having a tensile strength of at least about 5000 pounds, the shaft having an attachment end for coupling a fall restraint thereto and a piercing end terminating in a point or knife edge, the piercing end adapted to pierce through the building structure;
 - a first member pivotally coupled to the center shaft;
 - a second member pivotally coupled to the center shaft;
 - a collar slidably disposed on the center shaft; and

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a locking mechanism coupled to the collar and having a first end movable relative to the collar and biasable against the shaft to fix the position of the collar relative to the shaft.

13. (Amended) The anchor of claim 12, wherein the collar further comprises:

a body having a hole formed therethrough and having the locking mechanism disposed therein.

14. (Amended) The anchor of claim 13, wherein the locking mechanism further comprises a threaded member, a clamp or a pin.

15. (Amended) The anchor of claim 12, wherein the piercing end terminates in a point or knife edge.

16. (Amended) The anchor of claim 12, wherein the first member and second member each include an end that meet to form a point that extends beyond the piercing end of the shaft when the first member and the second member are in the first position.

17. The anchor of claim 12 further comprising a spring that biases at least one of the away from the shaft.

18. (Amended) The anchor of claim 12, wherein the attachment end comprises a ring defining a hole spaced from the shaft for coupling the fall restraint.

19. (Twice Amended) An anchor for providing an attachment point on a building structure, comprising:

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a center shaft a tensile strength of at least about 5000 pounds, the shaft having a first end for piercing through the building structure and a second end;

a ring disposed on the first end and defining a hole spaced from the shaft for coupling a fall restraint thereto;

a first member pivotally coupled to the center shaft;

a second member pivotally coupled to the center shaft, the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft;

a collar slidably disposed on the center shaft, the collar and the first and second members sandwiching the building therebetween when the first and second members are in the second position and the collar is slid away from the ring; and

a locking mechanism coupled to the collar and having a first end, the first end movable relative to the collar and biasable against the shaft for fixing the collar in an axial position relative to the shaft.

20. The anchor of claim 19, wherein the first member and second member each include an end that meet to form a point that extends beyond the first end of the shaft when the first member and the second member are in the first position.

21. (Amended) The anchor of claim 1, wherein the attachment end is coupled to the fall restraint.

22. (New) The anchor of claim 1 further comprising:

a shaft member disposed through the center shaft, the first member and the second member.

23. (New) The anchor of claim 12, wherein the attachment end is coupled to the fall restraint.

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24. (New) An anchor for providing an attachment point on a building structure, comprising:

- a center shaft a tensile strength of at least about 5000 pounds, the shaft having a first end having a point or knife edge adapted for piercing through the building structure and a second end;

- a ring disposed on the first end and defining a hole spaced from the shaft for coupling a fall restraint thereto;

- a first member pivotally coupled to the center shaft;

- a second member nesting with the first member and coupled to the center shaft at a common axis of rotation with the first member, the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft;

- a pivot member disposed through the shaft and coupling the first and second members;

- a collar slidably repositionable along the center shaft, the collar having a body and a flange extending radially outward from an end of the body facing the first end of the shaft; and

- a locking mechanism coupled to the body of the collar and having a first end movable relative to the collar and biasable against the shaft for fixing the collar in an axial position relative to the shaft.